

ESTTA Tracking number: **ESTTA740176**

Filing date: **04/14/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91227369
Party	Plaintiff SBE Hotel Licensing, LLC
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Submission	Motion to Suspend for Civil Action
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Date	04/14/2016
Attachments	Motion to Suspend_.pdf(11148 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SBE HOTEL LICENSING, LLC)	
)	
Opposer,)	
v.)	Opposition No. 91227369
)	
LUXE HOSPITALITY COMPANY, LLC)	
)	
Applicant.)	

MOTION TO SUSPEND

The registrability of the marks at issue in this proceeding will be impacted by outcome of a civil action pending between the parties in the U.S. District Court for the Central District of California, namely, *Luxe Hospitality Company, LLC v. SBE Entertainment Group, LLC, et al.*, Case No. 2:15-cv-07115-JAK (the “Federal Litigation”). Accordingly, pursuant to TMBP § 510.02 and 37 CFR § 2.117, Opposer SBE Hotel Licensing, LLC (“sbe”) hereby moves the Board for an order suspending these proceedings pending the outcome of the Federal Litigation.

“Whenever it comes to the attention of the Board that a party or parties to a case pending before it are involved in a civil action which may have a bearing on the Board case, proceedings before the Board may be suspended until final determination of the civil action.” TMBP § 510.02(a); *see also* 37 C.F.R. § 2.117(a); *General Motors Corp v. Cadillac Club Fashions Inc.*, 22 USPQ2d 1933, 1937 (TTAB 1992) (suspending proceedings pending district court case between same parties). Here, the Federal Litigation involves the same parties and similar issues to the instant opposition. Specifically, in the Federal Litigation, Applicant alleges sbe’s use of the registered trademark SLS LUX infringes its alleged rights in the marks LUXE and LUXE HOTELS. sbe has filed counterclaims in the Federal Litigation, alleging, among other things,

that Applicant's asserted LUXE and LUXE HOTELS registrations should be cancelled on the grounds that they are merely descriptive or generic, and for a declaratory judgment of non-infringement. Likewise, in the instant proceedings, sbe asserts Applicant's applications covering the marks LUXE HOTELS & RESORTS, LUXE COLLECTION, LUXE CLUB, and EXCLUSIVELY LUXE should be denied on the basis that they are merely descriptive or generic.

Accordingly, both the Federal Litigation and the instant proceedings hinge on the validity, scope, and strength of Applicant's rights, if any, in the term "LUXE." Thus, pursuant to 37 C.F.R. § 2.117(a), suspension is appropriate. *See General Motors*, 22 USPQ2d at 1937.

WHEREFORE, for the foregoing reasons, Applicant respectfully requests that the Board suspend these proceedings pending the outcome of *Luxe Hospitality Company, LLC v. SBE Entertainment Group, LLC, et al.*, Case No. 2:15-cv-07115-JAK.

Respectfully submitted,

Date: April 14, 2016

By: /Lee J. Eulgen/
One of the Attorneys for Opposer,
SBE Hotel Licensing, LLC

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CERTIFICATE OF SERVICE

I, Katherine Dennis Nye, an attorney, state that, pursuant to 37 CFR §§ 2.101 and 2.119, I caused a copy of the foregoing Motion to Suspend to be served upon:

DANIEL P. MULLARKEY
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1875 EYE STREET NW, 11TH FLOOR
WASHINGTON, DC

via First Class Mail, postage prepaid, on April 14, 2016.

/Katherine Dennis Nye /
Katherine Dennis Nye